

THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:11-cr-00107-MR-1

UNITED STATES OF AMERICA)
vs.)
ROBERT LYLE HITT.)

)))))
ORDER

THIS MATTER is before the Court on the Defendant's "Notice to Court Regarding Characterization of Motion" [Doc. 68].

On May 15, 2014, the Court entered an Order giving the Defendant thirty days in which to agree to having his motion to reconsider recharacterized as one under 28 U.S.C. § 2255. [Doc. 66]. The Defendant now responds, asserting that he agrees with the Court's recharacterization of his motion and asking for additional time within which to file an amended motion. [Doc. 68].

The Court will allow the Defendant a period of thirty (30) days in which to file an amended motion. In filing his amended and restated motion to vacate, the Defendant must substantially follow the form for § 2255 motions which has been approved for use in this judicial district. See

Rule 2(c), Rules Governing Section 2255 Proceedings for the United States District Courts. Accordingly, the Court will direct the Clerk of Court to send the Defendant the appropriate motion form.

IT IS, THEREFORE, ORDERED that the Defendant may file an amended and restated motion to vacate within thirty (30) days of the entry of this Order.

The Clerk of Court is respectfully directed to send the Defendant the appropriate motion form.

IT IS SO ORDERED.

Signed: June 24, 2014



Martin Reidinger
United States District Judge

